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## ARE YOU READY FOR JULY 2016 IMPLEMENTATION OF NEW SOLAS CONTAINER WEIGHT LAWS?

**From 1 July 2016, new container weighing legislation comes into force which requires mandatory weighing of any container before it can be loaded onto a ship.**

**Although container weights have always had to be declared prior to shipping, under the forthcoming amendments to the Safety of Life at Sea (SOLAS) convention, shippers will be breaking the law if containers are loaded which don't have a verified container weight**

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### Background to SOLAS

SOLAS is an international maritime safety treaty that was introduced following the sinking of the Titanic over a hundred years ago and it falls under the jurisdiction of The International Maritime Organisation (IMO).

SOLAS sets minimum safety standards for the construction, equipment and operation of ships and vessels with the latest amendment requiring that all container weights are properly verified using an approved method such as a certified weighbridge. The rationale behind the amendment is to further improve safety and operational efficiencies and remove any guesswork or inaccuracies with regards to container weights, which have been attributed to many maritime disasters, truck and train accidents and financial losses.

- Experts believe a third of the 130 million containers transported each year are overweight
- MSC Napoli sank in 2007 with 20% of its containers varying by at least three tonnes from their declared weight
- Over two thirds of cargo claims are believed to be a result of misdeclaration or poor container packing
- Over US\$12 million lost between 2006 - 2011 as a result of container weight misdeclaration

## New legislation requires changes throughout the container supply chain

The new regulation will require changes throughout the container supply chain. Forwarders, carriers, terminal operators, exporters and third parties should take proactive steps to ensure they are adequately protected and where legally compliant.

### Key points

- The shipper is responsible for arranging verified container weights.
- The ship's master and terminal representative require this information prior to shipping so that they can plan the ship's stowage distribution.
- Weighing systems need to be certified and calibrated according to the law of each country
- Terminal operators may not load a packed container onto a ship without proper weight verification - no exceptions.



## Who is responsible for verifying container weights?

The shipper is ultimately responsible for weight verification.

The 'shipper' is defined as the legal entity or person named on the Bill of Lading or transport document that has concluded the contract with a shipping company. Even if the shipper has instructed a third party (for example a forwarding agent) to pack and weigh the goods for export on their behalf, it is the exporter, not the third party, who is legally liable for ensuring that the gross mass of the load is verified with accredited weighing equipment.

The carrier doesn't have to double-check the weight verification provided by the shipper - they can rely on the shipper's submission. However, in order to comply with SOLAS requirements, the shipper has to name and identify the actual person who has verified the accuracy of the weight calculation.

## What weighing methods are allowed?

SOLAS prescribes that container weights can be verified in two ways:

1. The packed container can be weighed (gross mass) at an approved weighing station.
2. All the various packages and cargo items (including the packaging and securing equipment and the actual weight of the container itself) can be weighed and included in the overall gross container weight declaration.

\*No estimates are allowed under the new SOLAS directive

All weighing equipment has to be officially calibrated and certified and can include weighbridges, lifting equipment, container scales, pallet weighing scales and bulk weighing systems.

## Practical considerations

The practical considerations of the new requirements are significant.

Shippers, ships' agents, freight forwarders, vessel operators and terminal operators will all need documented procedures for compliance and they need to consider how the changes affect their business.

These are some of the issues that the involved parties should think about:

- Is investment required in new technology, equipment and systems?
- Do record-keeping procedures need to be revised?
- Do employees need additional training?
- What are the strategies for enforcement and non-compliance?
- Do the terms of business and commercial contracts need to change?
- Is the business adequately protected?

Choosing the most suitable weighing equipment for compliance is crucial.

SOLAS prescribes that the weighing equipment used for verifying container weights has to be calibrated and certified.

Shippers are encouraged to discuss the implications of the SOLAS directive with their weighing equipment supplier to understand what steps are needed to ensure legal compliance and maintain commercial best-practice.

Ultrahawke is strongly placed to provide guidance on the weighing equipment requirements for SOLAS compliance. We urge those along the container supply chain to talk to us about finding solutions for verified weighing equipment that's best-suited for your business and which ensures that SOLAS requirements are met.

The Australian Maritime Safety Authority (AMSA) accepts a range of our certified weighing systems (including weighbridges, container scales, pallet weighing scales and bulk weighing systems), and as a licensed NMI testing company, Ultrahawke is also authorised to test all weighing equipment.

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